conventional user computer. Applicant therefore asserts that claim 1 distinguishes over the cited prior art.

Regarding claim 1, the ability to provide, using a label, vendor data that executes on the conventional user computer offers beneficial products and services for both the vendor and the user. The label allows the vendor to provide various advertisements, entertainment, links back, products and services in digital format to the user by way of the user's computer. The label provides the vendor with a dedicated "stage", the user computer, for presenting the vendor's message to a captive audience, the user. The label also provides the user with access to vendor data or products that may be provided exclusively via the label. Examples may include pre-release demos of new video games, or exclusive digital images of celebrities. In view of the capabilities of the conventional user computer and the amount of vendor data on the label, the benefits available to vendor and user are substantial.

Baron appears to disclose a "lost-and-found-type" tag for personal items. Applicant finds no suggestion or motivation to make the tag readable by the user's computer or to use the identification tag to present vendor data to the user by way of an arbitrary user computer remote from a user and uncontrolled thereby. The identification tag of Baron is to be read by computers associated with the vendor, and contains only a simple identification code readable by a system unique to the vendor.

Concerning Wilf and Tsai, Tsai apparently concerns applying unique security markers to conventional CD-ROM products. In Tsai the CD-ROM is the product. In the claimed invention, the computer-readable medium is the label, not the product. Wilf apparently concerns communications between a conventional buyer and seller over a network connection. Applicant

finds no product tag or its functions recited by Applicant Wilf. Moreover, Applicant does not

find taught nor disclosed in Wilf executing of vendor-provided data from a product label on to

the user computer. In fact, Wilf teaches against loading any software on to the user's computer.

(Wilf Col 1 Lines 58-60).

Combining Baron, Tsai, and Wilf fails to disclose or suggest the distinctive features of

claim 1. The combination would not provide Applicant's device or method. Applicant finds no

teaching or suggestion in Baron, Tsai, or Wilf for media containing vendor-provided data

configured to execute on the computer of an arbitrary user, typically one having no relationship

to the vendor except the purchase of a product labeled with the tag.

Furthermore, the combination would vitiate an objective of Wilf that no additional

software be installed on the user's computer. Because the features claimed in the invention are

not found in Baron, Tsai, or Wilf, nor in any combination thereof, Applicant respectfully submits

that claim 1 is in condition for immediate allowance.

Claims 2-8 recite "control data." The control data provided by the label allows the user

computer to communicate data such as demographic information from the user computer to the

vendor computer, and communicate data such as additional games, or advertisements from the

vendor computer to the user computer. These claims further delineate the types of features a

label providing control data grants to the claimed invention. Wilf does not teach or suggest

communication of demographic data, entertainment data, executable data, and the like. The

recited features are not taught or suggested in Baron, Tsai, or Wilf. Applicant, therefore, submits

that claims 2-8 are in condition for immediate allowance.

Rejection of Claims 10 and 24 under 35 U.S.C. § 103 over Baron In view of Tsai and Wilf and further in view of Kosarew.

Claims 10 and 24 stand rejected under 35 U.S.C. § 103 over Baron (U.S. Patent

5,809,481) in view of Tsai (U.S. Patent 5,825,292) and Wilf (U.S. Patent 5,899,980) and further

in view of Kosarew (U.S. Patent 5,619,416).

Claims 10 and 24 recite updating of vendor data to the user computer. Kosarew appears

to disclose a labeling system under the control of a vendor computer and updating of a

computerized system and method for applying labels to retail product identification units.

Applicant does not find taught nor disclosed by Kosarew the involvement of a customer or user.

In view of the foregoing, Applicant submits that claims 10 and 24 are allowable.

Rejection of Claims 11-23, and 26-28 under 35 U.S.C. § 103 over Baron In view of Tsai and Wilf

Claims 11-23, and 26-28 stand rejected under 35 U.S.C. § 103 over Baron (U.S. Patent

5,809,481) in view of Tsai (U.S. Patent 5,825,292) and Wilf (U.S. Patent 5,899,980).

Claim 11 recites a label that stores data structures that are readable and executable by an

arbitrary user's computer. These data structures may be configured to provide various types of

data to the user or the vendor as well as establishing a communications link between the two

computers. Neither Baron nor Tsai disclose or suggest these features.

Claim 11 recites "operational and executable data structures" that are delivered, loaded,

and on an arbitrary purchaser's computer via the label. Descriptions of the various types of data

structures that may be provided are set forth throughout the specification, particularly on pages

12-25. Applicant fails to find that Baron and Wilf teach or disclose **executable** data structures delivered, loaded, and configured for use on a **purchaser's** computer.

Tsai appears to teach the product as the computer-readable medium, as compared to the label as the computer-readable medium in the claimed invention. Applicant finds no purchaser computer in Baron. Moreover, Applicant finds that Wilf teaches against delivering, loading, and executing data structures on the purchaser's computer. (*See* Col. 1, lines 58-60.) Applicant does not find these features in Baron, Tsai, or Wilf.

The providing of operational and executable data structures for use on the purchaser's computer allows the vendor vast options regarding the types of data to present, collect, or maintain once the purchaser has loaded the data structures on to his or her computer. Many of the various options are outlined in the specification on pages 12-25.

Additionally, claim 11 recites storing data for presenting vendor data, profiling data, and linking data. Applicant does not find taught in Baron, Tsai, nor Wilf the storing of the foregoing types kinds of data structures in the computer readable label. Baron seems to teach storing identification data. Identification data is not vendor product data, profiling data, or linking data. The ability to store this data in a permanent medium allows the user to re-load, and re-execute the data any time after receipt of the label. The purchaser may also loan the label to a friend who would benefit from loading the data of the label on their computer. The purchaser and vendor can receive the benefits of the data on the label more than once. For these reasons, Applicant respectfully asserts that claim 11 is in condition for allowance.

The independent method claim 16 recites "...securing the label to a product; and distributing the label and the product to a purchaser." The use of labels with products distinguishes the claimed invention over Baron.

Applicant perceives that Baron teaches the distribution of labels that serve display, promotional, and direct-mail purposes. (*See* Col. 3, lines 30-38). Applicant finds no suggestion or motivation in Baron to use the tags with products.

Display, promotional, and direct-mail labels limit the vendor to dissemination of general, broad information regarding the products and services. Labels associated with a particular product allow dissemination of very broad vendor related information as well as particular product specific information. In view of the foregoing, Applicant respectfully asserts that claim 16 is in condition for allowance.

The independent method claim 26 recites ". . . reading the computer readable medium into a user computer **associated with** the purchaser" and "interactively updating" the vendor-provided data on the arbitrary purchaser's computer. These features distinguish the claimed invention from Baron and Tsai.

Applicant does not find taught or disclosed in Baron the reading of data of the label by the purchaser's arbitrary conventional computer. With no teaching concerning the purchaser's computer, Baron logically does not teach or disclose interactive updating of the vendor-provided data on the purchaser's computer. Apparently, in Tsai the computer-readable medium is the product, not the label as in the claimed invention.

Vendor-provided data that is readable by the arbitrary purchaser's computer allows the vendor provided data to be specific to the product. The specific product information may include

user's manuals, multi-lingual instruction sets, lengthy product specifications, and the like. The vendor may provide software and present multi-media presentations to the purchaser in a novel manner. Such presentations are made to an interested and captive audience, the purchaser of the product.

The interactive updates between the vendor and purchaser's computers allows the vendor to get feed back on the presentation and/or the product. The purchaser can also obtain additional products or services from the vendor by way of these interactive updates.

In view of the foregoing, Applicant asserts that claim 26 is in condition for allowance.

All other claims not specifically discussed above depend either directly or indirectly from dependant claims that Applicant respectfully asserts are allowable. Applicant, therefore, asserts these claims are allowable by way of their dependency.

The remaining amendments to the specification and claims were made to correct minor, technical errors.

In view of the foregoing, Applicant respectfully requests reconsideration of all pending claims and submits that claims 1 - 28 are in condition for immediate allowance. In the event the Examiner finds any remaining impediment to the prompt allowance of any of these claims that

could be clarified in a telephone conference, the Examiner is respectfully urged to initiate the

same with the undersigned.

DATED this _22_ day of November, 2000.

Respectfully submitted,

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